

JUN 09 2015

Zoning Evaluation Division

PROFFERS
AREC 2018 LLC
RZ 2015-BR-001
June 9, 2015

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and subject to Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), AREC 2018, LLC, for itself and its successors and/or assigns (herein referred to as the "Applicant"), hereby proffers that the use and redevelopment of the properties identified on the Fairfax County Tax Map as TM 70-4 ((10)) 503 and 503A (collectively the "Property") shall be in accordance with the following conditions if, and only if, Rezoning application RZ 2015-BR-001 for I-5 zoning of the Property (the "Application") is granted by the Board of Supervisors of Fairfax County, Virginia (the "Board"). In the event the Application is denied by the Board or the Board's approval of it is overturned by a court of competent jurisdiction, the proffers shall be null and void.

1. Development Plan. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"), the redevelopment of the Property shall be in substantial conformance with the Generalized Development Plan/Special Exception Plat (the "GDP/SE") dated December 31, 2014, revised as of April 9, 2015, prepared by Walter L. Phillips, Inc. The GDP/SE consists of eight (8) sheets.

2. Minor Modifications. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP/SE may be permitted as determined by the Zoning Administrator. At the time of site plan approval, the Applicant shall have the flexibility to modify the improvements proposed by this Application on the GDP/SE without requiring approval of an amended GDP/SE provided such changes are in substantial conformance with the

GDP/SE as determined by the Zoning Administrator and that they neither increase the total amount of gross floor area such that the floor area ratio ("FAR") exceeds 0.9 or increase the amount of clearing and grading shown on the GDP/SE, decrease the amount of open space or the amount of provided parking shown on the GDP/SE, nor adjust the points of access or setbacks shown on the GDP/SE.

3. Architectural Elevations. Notwithstanding Proffer # 1, the facades of the building on the Property shall be constructed generally as shown on the building elevations which are included as Sheet P-0601 of the GDP/SE.

4. Uses. The Property may be used only as a truck rental establishment, a specialized vehicle rental establishment, and a mini-warehousing establishment with accessory retail.

5. Signage.

- a. Signage shall be provided in accordance with Article 12 of the Zoning Ordinance. The Applicant may seek signage beyond that permitted in Article 12 by applying for a Special Exception in accordance with Section 12-305 of the Zoning Ordinance.
- b. The building-mounted U HAUL sign facing I-495 shown on the architectural elevations shall not be illuminated between the hours of 10:00 p.m. and 5:00 a.m.
- c. Appropriate way-finding signage may be installed on the Property.

6. Parking.

- a. There shall be no parking of rental vehicles on Port Royal Road. All rental vehicles shall be parked on the Property.
- b. Parking spaces for customers on the Property shall be identified with appropriate signage.

7. Sidewalks. To the existing sidewalk which runs along the Port Royal Road frontage of the Property, the Applicant shall add 5 foot by 5 foot passing zones, appropriately spaced with ADA ramps, and shall repair the existing sidewalks as necessary to provide safe walking paths without any hindrances or trip hazards. New sidewalks shall meet PFM requirements.

8. Repairs. The Applicant shall repair driveway aprons and repair and repave the parking areas as necessary to provide a clear drive aisle around the building. The existing chain link fences that are not in good repair shall be either repaired, replaced, or removed. The steel pipes on the west side of the site shall be removed where they would conflict with landscaping.

9. Lighting. Security lighting on the I-495 side of the building will be shielded so as not to allow lighting to extend past the property line and to conform to the Outdoor Lighting Standards set out in Article 14, Part 9 of the Zoning Ordinance. The windows on the I-495 side of the building shall not have any "cut out" human figures in them, and no light bulbs of any kind will be visible through those windows from I-495.

10. Tree Preservation. The Applicant shall submit a Tree Preservation Plan and narrative as part of the first and all subsequent site plan submissions. The Tree Preservation Plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division ("UFMD") DPWES.

The Tree Preservation Plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise

allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The Tree Preservation Plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP/SE and those additional areas in which trees can be preserved as a result of final engineering. The Tree Preservation Plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

11. Tree Preservation Walk-Through. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil condition.

12. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP/SE, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP/SE, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

13. Tree Preservation Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fencing to the extent that required trenching for super silt fencing does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices,

the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

14. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES representative shall be informed when all root pruning and tree protection fence installation is complete.

15. Demolition of Existing Features. The demolition of existing features within tree preservation areas shown on the GDP/SE shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.

16. Site Monitoring. During any clearing or tree/vegetation/feature removal on the Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall

retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.


17. Successors and Assigns. These proffers shall bind and inure to the benefit of Applicant and its successors and assigns.

18. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which when taken together shall constitute but one and the same instrument.

Applicant/Owner of TM 70-4 ((10) 503 and 503A:

AREC 2018, LLC

June 9, 2015
Date

By: 
Carlos Vizcarra, President